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EXAMINER

MURDOUGH, JOSHUA A

ART UNIT	PAPER NUMBER
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3621

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/561,260	Applicant(s) COLGRAVE, JOHN	
	Examiner JOSHUA MURDOUGH	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/16/2005, 11/09/2006, 09/02/2008.

DETAILED ACTION

Acknowledgements

1. This action is responsive to Applicants' Information Disclosure Statement received 2 September 2008.
2. This action has been assigned paper number 20100203 for reference purposes only.
3. Claims 16-29 are pending.
4. Claims 16-29 have been examined.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. §1.75(d)(1), MPEP § 2181 and its discussion of C.F.R. §1.75(d)(1), and MPEP § 608.01(o). Correction of the following is required:
 - a. “means for determining what information in the business entity definition the user wishes to access using the search criteria to locate the business entity definition,” in claim 21;
 - b. “means for determining whether a user has permission to access an information element from an access policy and permission details associated with a different information element” in claim 22;
 - c. “means for locating the permission details in a file system in which the permission details are in a location in the file system which is defined according to the information element with which they are associated,” in claim 24
 - d. “business service entity information element” in claim 25; and

- e. “binding template information element” in claim 25.

Claim Objections

- 6. Claim 16 is objected to because of the following informalities:

- f. In line 4 the claim ends with ";;." The Examiner's position is that the “;” is a typographical mistake.

- g. Claim 16 was presented with the original set of claims. Therefore, the presently presented claim 16 is an amendment in which the text of the original claim 16 was canceled and the entire text of the present claim 16 should be underlined as being new.

- 7. Claim 26 is objected to because of the following informality: The claim recites “a computer usable medium having computer usable program code embodied therewith.” The Examiner's position is that Applicant intended “therewith” to be “thereon.” As recited, the claim would read on a floppy disk with a printout of the program code with it. Because it appears Applicant was intending to claim the program code being stored on the medium, the Examiner has interpreted the claim in this manner when applying the prior art.

- 8. Appropriate correction is required.

Claim Rejections - 35 USC § 112 1st Paragraph

- 9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 21-25 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

11. For each of the following claim elements, the instant specification fails to disclose the existence of the element in the invention as originally disclosed:

h. “means for determining what information in the business entity definition the user wishes to access using the search criteria to locate the business entity definition,” in claim 21;

i. “means for determining whether a user has permission to access an information element from an access policy and permission details associated with a different information element” in claim 22;

j. “means for locating the permission details in a file system in which the permission details are in a location in the file system which is defined according to the information element with which they are associated,” in claim 24;

k. “business service entity information element” in claim 25; and

l. “binding template information element” in claim 25.

12. Because the three preceding claim elements were not disclosed in the Application as originally filed, there is no evidence in the instant Application that Applicant had possession of the claimed invention at the time of filing.

Claim Rejections - 35 USC § 112 2nd Paragraph

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 20-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with errors. Some examples follow.

15. Claim element “means for receiving a request from a user to access a business entity definition,” in claim 20, is a means plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

16. A “means for receiving a request from a user to access a business entity definition” is disclosed on Page 2, Lines 21-22 of the specification. However, the disclosure fails to clearly link and associate any structure, material, or acts to perform the claimed function of “receiving a request from a user to access a business entity definition.”

17. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means (or step) plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)).

18. Claim element “means for obtaining the identity of the user from data associated with the request,” in claim 20, is a means plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

19. A “means for obtaining, from data associated with the request, the identity of the user” is disclosed on Page 2, Lines 22-24 of the specification. However, the disclosure fails to clearly link and associate any structure, material, or acts to perform the claimed function of “obtaining the identity of the user from data associated with the request.”

20. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)).

21. Claim element “means for determining whether the user has permission to access information in the business entity definition from permission details associated with the business entity definition and the identity of the user,” in claim 20, is a means plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of

ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

22. A “means for determining, from permission details associated with the business entity definition and the identity of the user, whether the user has permission to access information in the business entity definition” is disclosed on Page 2, Lines 24-26 of the specification. However, the disclosure fails to clearly link and associate any structure, material, or acts to perform the claimed function of “determining whether the user has permission to access information in the business entity definition from permission details associated with the business entity definition and the identity of the user.”

23. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)).

24. Claim element “means for denying the user access to information in the business entity definition if it is determined that the user does not have permission,” in claim 20, is a means plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

25. A “means for denying the user access to information in the business entity definition if it is determined that the user does not have permission” is disclosed on Page 2, Lines 27-29 of the specification. However, the disclosure fails to clearly link and associate any structure, material, or acts to perform the claimed function of “denying the user access to information in the business entity definition if it is determined that the user does not have permission.”

26. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)).

27. Claim element “means for determining from permission details associated with each information element whether the user has permission to access that information element,” in claim 20, is a means plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

28. A “means for determining, from permission details associated with the business entity definition and the identity of the user, whether the user has permission to access information in the business entity definition” is disclosed on Page 2, Lines 24-26 of the specification. However, the disclosure fails to clearly link and associate any structure, material, or acts to perform the

claimed function of “determining from permission details associated with each information element whether the user has permission to access that information element.” Moreover, the “means for determining...definition” recited in the specification does not disclose that the details are “associated with each information element.”

29. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)).

30. Claim element “means for denying the user access to those information elements for which it is determined that the user does not have permission,” in claim 20, is a means plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

31. A “means for denying the user access to information in the business entity definition if it is determined that the user does not have permission” is disclosed on Page 2, Lines 27-29 of the specification. However, the disclosure fails to clearly link and associate any structure, material, or acts to perform the claimed function of “denying the user access to those information elements for which it is determined that the user does not have permission.” Moreover, the “means for

denying...permission” recited in the specification does not disclose that the access is controlled based on individual “information elements.”

32. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)).

33. Claim element “means for determining what information in the business entity definition the user wishes to access using the search criteria to locate the business entity definition,” in claim 21, is a means plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

34. The instant specification does not disclose any “means for determining what information in the business entity definition the user wishes to access.” The only “means for determining” recited in the instant specification is the “means for determining, from permission details associated with the business entity definition and the identity of the user, whether the user has permission to access information in the business entity definition” is disclosed on Page 2, Lines 24-26. Because no “means for determining what information in the business entity definition the user wishes to access” is present in the specification, the “means for determining what

information in the business entity definition the user wishes to access using the search criteria to locate the business entity definition” cannot be clearly linked and associated to the corresponding structure, material, or acts that perform the claimed function.

35. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)).

36. Claim element “means for determining whether a user has permission to access an information element from an access policy and permission details associated with a different information element,” in claim 22, is a means plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

37. The instant specification does not disclose any “means for determining whether a user has permission to access an information element.” The only “means for determining” recited in the instant specification is the “means for determining, from permission details associated with the business entity definition and the identity of the user, whether the user has permission to access information in the business entity definition” is disclosed on Page 2, Lines 24-26.

Because no “means for determining whether a user has permission to access an information

element” is present in the specification, the “means for determining whether a user has permission to access an information element from an access policy and permission details associated with a different information element,” cannot be clearly linked and associated to the corresponding structure, material, or acts that perform the claimed function.

38. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)).

39. Claim element “means for locating the permission details in a file system in which the permission details are in a location in the file system which is defined according to the information element with which they are associated,” in claim 24, is a means plus function limitation that invokes 35 U.S.C. 112, sixth paragraph. However, the written description fails to clearly link or associate the disclosed structure, material, or acts to the claimed function such that one of ordinary skill in the art would recognize what structure, material, or acts perform the claimed function.

40. The instant specification does not disclose any “means for locating.” Because no “means for locating” is present in the specification, the “means for locating the permission details in a file system in which the permission details are in a location in the file system which is defined

according to the information element with which they are associated” cannot be clearly linked and associated to the corresponding structure, material, or acts that perform the claimed function.

41. Applicant is required to:

(a) Amend the claim so that the claim limitation will no longer be a means plus function limitation under 35 U.S.C. 112, sixth paragraph; or

(b) Amend the written description of the specification such that it clearly links or associates the corresponding structure, material, or acts to the claimed function without introducing any new matter (35 U.S.C. 132(a)).

42. In claims 16-29, the phrase “business entity definition” is indefinite because—to one of ordinary skill in this art—the metes and bounds of the phrase can not be reasonably determined. First, the Examiner has carefully reviewed the original specification and can not locate, let alone ascertain, a lexicographic definition for this phrase. Second, the Examiner has again reviewed all documents of record in conjunction with MPEP §2141.03. Based upon this review and the review of the original specification, it is the Examiner’s position that the phrase “business entity definition” (as used in the context of these particular claims) is not known to those of ordinary skill in this art. However, if Applicant believes that the phrase *is* old and well known in the art, Applicant should (in their next appropriately filed response) expressly state on the record that the phrase is old and well known in the art and provide appropriate evidence in support thereof (*e.g.* a U.S. patent). Upon receiving (1) Applicant’s express statement that the phrase is old and well known in the art and (2) sufficient evidence in support thereof, the Examiner will withdraw this particular 35 U.S.C. §112 2nd paragraph rejection.

43. In claim 25, the phrase “business service entity information element” is indefinite because—to one of ordinary skill in this art—the metes and bounds of the phrase can not be reasonably determined. First, the Examiner has carefully reviewed the original specification and can not locate, let alone ascertain, a lexicographic definition for this phrase. Second, the Examiner has again reviewed all documents of record in conjunction with MPEP §2141.03. Based upon this review and the review of the original specification, it is the Examiner’s position that the phrase “business entity definition” (as used in the context of this particular claim) is not known to those of ordinary skill in this art. However, if Applicant believes that the phrase *is* old and well known in the art, Applicant should (in their next appropriately filed response) expressly state on the record that the phrase is old and well known in the art and provide appropriate evidence in support thereof (*e.g.* a U.S. patent). Upon receiving (1) Applicant’s express statement that the phrase is old and well known in the art and (2) sufficient evidence in support thereof, the Examiner will withdraw this particular 35 U.S.C. §112 2nd paragraph rejection.

44. In claims 25, the phrase “binding template information element” is indefinite because—to one of ordinary skill in this art—the metes and bounds of the phrase can not be reasonably determined. First, the Examiner has carefully reviewed the original specification and can not locate, let alone ascertain, a lexicographic definition for this phrase. Second, the Examiner has again reviewed all documents of record in conjunction with MPEP §2141.03. Based upon this review and the review of the original specification, it is the Examiner’s position that the phrase “business entity definition” (as used in the context of this particular claim) is not known to those

of ordinary skill in this art. However, if Applicant believes that the phrase *is* old and well known in the art, Applicant should (in their next appropriately filed response) expressly state on the record that the phrase is old and well known in the art and provide appropriate evidence in support thereof (*e.g.* a U.S. patent). Upon receiving (1) Applicant's express statement that the phrase is old and well known in the art and (2) sufficient evidence in support thereof, the Examiner will withdraw this particular 35 U.S.C. §112 2nd paragraph rejection.

45. In claims 25, the phrase "technical model information element" is indefinite because—to one of ordinary skill in this art—the metes and bounds of the phrase can not be reasonably determined. First, the Examiner has carefully reviewed the original specification and can not locate, let alone ascertain, a lexicographic definition for this phrase. Second, the Examiner has again reviewed all documents of record in conjunction with MPEP §2141.03. Based upon this review and the review of the original specification, it is the Examiner's position that the phrase "business entity definition" (as used in the context of this particular claim) is not known to those of ordinary skill in this art. However, if Applicant believes that the phrase *is* old and well known in the art, Applicant should (in their next appropriately filed response) expressly state on the record that the phrase is old and well known in the art and provide appropriate evidence in support thereof (*e.g.* a U.S. patent). Upon receiving (1) Applicant's express statement that the phrase is old and well known in the art and (2) sufficient evidence in support thereof, the Examiner will withdraw this particular 35 U.S.C. §112 2nd paragraph rejection.

46. In claim 25, the phrase “business entity information element” is indefinite because—to one of ordinary skill in this art—the metes and bounds of the phrase can not be reasonably determined. First, the Examiner has carefully reviewed the original specification and can not locate, let alone ascertain, a lexicographic definition for this phrase. Second, the Examiner has again reviewed all documents of record in conjunction with MPEP §2141.03. Based upon this review and the review of the original specification, it is the Examiner’s position that the phrase “business entity definition” (as used in the context of this particular claim) is not known to those of ordinary skill in this art. However, if Applicant believes that the phrase *is* old and well known in the art, Applicant should (in their next appropriately filed response) expressly state on the record that the phrase is old and well known in the art and provide appropriate evidence in support thereof (*e.g.* a U.S. patent). Upon receiving (1) Applicant’s express statement that the phrase is old and well known in the art and (2) sufficient evidence in support thereof, the Examiner will withdraw this particular 35 U.S.C. §112 2nd paragraph rejection.

47. The Examiner finds that because particular claims are rejected as being indefinite under 35 U.S.C. §112 2nd paragraph, it is impossible to properly construe claim scope at this time. However, in accordance with MPEP §2173.06 and the USPTO’s policy of trying to advance prosecution by providing art rejections even though these claim are indefinite, the claims are construed and the art is applied as much as practically possible.

Claim Rejections - 35 USC § 101

48. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

49. Claims 16-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

50. Claims 16-19 are directed to non-statutory methods. Based on Supreme Court precedent¹ and recent Federal Circuit decisions, a §101 patent eligible process must (1) be tied to a particular machine (or apparatus), or (2) transform a particular article to a different state or thing. See *In re Bilski*, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008) (en banc) and *In re Comiskey*, 554 F.3d 967, 89 USPQ2d 1655 (Fed. Cir. 2009). This is the Machine-or-Transformation Test (“M-T Test”).

51. To meet prong (1), the method step should positively recite machine to which it is tied. Alternatively or to meet prong (2), the method step should positively recite the material that is being changed to a different state or positively recite the subject matter that is being transformed. For example, a method claim that would *not* qualify as a patent eligible process because it fails both prongs of the M-T Test would be a claim that recites purely mental steps.

52. In this particular case, the process claims fail prong (1) because the methods steps of “receiving a request from a user to access a business entity definition,” “obtaining the identity of the user from data associated with the request,” “determining whether the user has permission to access information in the business entity definition from permission details associated with the business entity definition and the identity of the user,” and “denying the user access to information in the business entity definition if it is determined that the user does not have

¹ See also *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

permission” are not tied to a specific machine since the methods could be performed by a human being. The steps could respectively correspond to: verbally asking for access to paper files, showing a badge to establish the requester’s identity, determining the badge is authentic by visual inspection, and allowing or denying the access to the paper files based on the visual inspection of the badge. Additionally, in the scenario presented by the Examiner, none of the steps would require the use of a computer or other machine expressly or inherently. Finally, the Examiner notes that the claims fail prong (2) because the method steps do not transform the underlying subject matter to a different state or thing.

53. The Applicant is encouraged to amend the claims to positively identify the device(s) or apparatus performing the method steps in order to have this rejection withdrawn.

54. Claims 20-25 are directed to a “registry of business entity definitions,” which one of ordinary skill in the art would recognize as an arrangement of data. The Examiner acknowledges that these claims contain means-plus-function limitations. Means-plus-function limitations generally impart structure to a claim. However, as noted above, Applicant has not clearly linked and associated the corresponding structures for the recited means-plus-function limitations. Because Applicant has not clearly linked and associated the corresponding structures, one of ordinary skill in the art would not understand what, if any, structure is present in claims 20-25. Because there is no structure set forth expressly or through use of the means-plus-function limitations, claims 20-25 are non-statutory apparatus claims.

55. An alternate interpretation of the means-plus-function limitations could be made. In this alternate interpretation, the means-plus-function limitations could correspond to software. Because the software is not recited as being on a computer readable medium, the interpretation

of the means-plus-function limitations as software still results in a rejection under 101 for being software per se.

Claim Rejections - 35 USC § 102

56. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

57. Claims 16, 20, and 26, as understood by the Examiner, are rejected under 35 U.S.C. § 102(b) as being anticipated by Kramer (US 5,414,852).

58. As to claims 16, 20, and 26, Kramer shows:

m. A method for a registry of business entity definitions to handle user requests to access business entity definitions, the method comprising:

n. receiving a request from a user (“a user requesting access at one end,” C 3, LL 50-51) to access a business entity definition (“data object,” C 3, L 36);

o. obtaining the identity of the user from data associated with the request (“user identifier to identify an invoking user” with the invoking being the result of the request, Claim 1);

p. determining whether the user has permission to access information in the business entity definition (Figure 4) from permission details associated with the business

entity definition (“Does user have permission for this type of access?” Step 68) and the identity of the user (“Is user on access list?” Step 64); and

q. denying the user access to information in the business entity definition (Step 66) if it is determined that the user does not have permission (if the answer to steps 64 or 68 are no, Figure 4);

r. wherein the information in the business entity definition (“data objects,” 14-18, CC 3-4, LL 60-10) comprises (“contained in an object header,” C 3, LL 63-64) a plurality (“two types of information”, C 3, L 62) of information elements each having permission details associated therewith (the information being “relevant to access control,” C 3, LL 62-63);

s. wherein determining whether the user has permission to access information in the business entity definition from permission details associated with the business entity definition and the identity of the user comprises determining from permission details associated with each information element whether the user has permission to access that information element (“An access list 36 within each object contains the user identifiers for all users which are authorized to access the associated data object.” C 3, LL 64-67); and

t. wherein denying the user access to information in the business entity definition if it is determined that the user does not have permission comprises denying the user access to those information elements for which it is determined that the user does not have permission (Objects are defined by the creator with as much or as little data in the object as the creator wants to separately control. Therefore, each “information element” can be

contained in a separate object. This results in a per “information element” control being exhibited.).

Claim Rejections - 35 USC § 103

59. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

60. Claims 18, 19, 22, 23, 28, and 29, as understood by the Examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer in view of Stefik (US 5,692,980).

61. Kramer teaches as set forth above in regards to claims 16, 20, and 26, but does not expressly show:

u. determining whether the user has permission to access information in the business entity definition from permission details associated with the business entity definition and the identity of the user comprises determining whether a user has permission to access an information element from an access policy and permission details associated with a different information element; and

v. the information elements are in a hierarchy and wherein determining whether the user has permission to access information in the business entity definition from permission details associated with the business entity definition and the identity of the user comprises determining that a user does not have permission to access a first information element if permission details associated with one or more second information

elements directly beneath the first information element in the hierarchy indicate that user does not have access to one or more of the second information elements.

62. However, Stefik shows a root d-block **1101** corresponding to the business entity definition and child d-blocks **1102-1104** and **1105** corresponding to information elements. The root/child relationship is hierarchical. The root and each of the child d-blocks contains a separate "rights portion" (Figure 11). The root d-block **1101** gives the user access ("view") rights so the user can see that the child d-blocks **1102-1104** and **1105** exist. For each of the d-blocks **1102-1103** and **1105** the user is shown to currently have an access ("view") right. For d-block **1104** the user does not currently have access because a fee is required. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Kramer to include the hierarchical structure of elements with separate permissions because it allows the creator of the elements a more granular control of the elements which in turn allows for additional revenue generation from charging a fee for access to particular data.

63. Claims 17, 21, 24, 25, and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer in view of Solomon (US 2002/0046157).

64. Kramer teaches as set forth above in regards to claims 16, 20, and 26, but does not expressly show:

w. the request specifies a search criteria, and wherein the method further comprises:
determining what information in the business entity definition the user wishes to access
using the search criteria to locate the business entity definition; and

determining whether the user has permission to access the information that the user wishes to access;

x. means for locating the permission details in a file system in which the permission details are in a location in the file system which is defined according to the information element with which they are associated

y. the registry is a UDDI registry and the information in the business entity definition is a business entity information element, the business entity information element containing one or more business service entity information elements, each business service entity containing one or more binding template information elements and each binding template containing one or more references each referring to a technical model information element.

65. However, Solomon shows the conducting of searches being facilitated by a UDDI registry [0028]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Kramer to store the data in a UDDI in order to facilitate searching to allow the requestor to more easily find the desired information.

66. Claims 16, 20, and 26, as understood by the Examiner, are alternately rejected under 35 U.S.C. 103(a) as being unpatentable over Kramer in view of Stefik.

67. It is the Examiner's principle position that these claims are anticipated by Kramer as set forth above. The Examiner's position is that because the objects are defined by the creator with as much or as little data in the object as the creator wants to separately control, each "information

element” can be contained in a separate object, resulting in per “information element” control.

However, in case a reviewing body disagrees with this inherent teaching of Kramer, the

Examiner provides the following alternate rejections.

68. As to claims 16, 20, and 26, Kramer shows:

z. A method for a registry of business entity definitions to handle user requests to access business entity definitions, the method comprising:

aa. receiving a request from a user (“a user requesting access at one end,” C 3, LL 50-51) to access a business entity definition (“data object,” C 3, L 36);

bb. obtaining the identity of the user from data associated with the request (“user identifier to identify an invoking user” with the invoking being the result of the request, Claim 1);

cc. determining whether the user has permission to access information in the business entity definition (Figure 4) from permission details associated with the business entity definition (“Does user have permission for this type of access?” Step 68) and the identity of the user (“Is user on access list?” Step 64); and

dd. denying the user access to information in the business entity definition (Step 66) if it is determined that the user does not have permission (if the answer to steps 64 or 68 are no, Figure 4);

ee. wherein the information in the business entity definition (“data objects,” 14-18, CC 3-4, LL 60-10) comprises (“contained in an object header,” C 3, LL 63-64) a plurality (“two types of information”, C 3, L 62) of information elements each having permission

details associated therewith (the information being “relevant to access control,” C 3, LL 62-63);

ff. wherein determining whether the user has permission to access information in the business entity definition from permission details associated with the business entity definition and the identity of the user comprises determining from permission details associated with each information element whether the user has permission to access that information element (“An access list 36 within each object contains the user identifiers for all users which are authorized to access the associated data object.” C 3, LL 64-67);

69. Kramer does not expressly show:

gg. wherein denying the user access to information in the business entity definition if it is determined that the user does not have permission comprises denying the user access to those information elements for which it is determined that the user does not have permission.

70. However, Stefik shows a root d-block **1101** corresponding to the business entity definition and child d-blocks **1102-1104** corresponding to information elements. Each of the child d-blocks contains a separate “rights portion” (Figure 11). For each of the d-blocks **1102-1103** the user is shown to currently have an access (“view”) right. For d-block **1104** the user does not currently have access because a fee is required. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Kramer to include the hierarchical structure of elements with separate permissions because it allows the creator of the elements a more granular control of the elements which in turn allows

for additional revenue generation from charging a fee for access to particular data.

Conclusion

71. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-3270. The Examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua Murdough
Examiner, Art Unit 3621

/ANDREW J. FISCHER/
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